

1636  
PATENT *Blw*

Attorney Docket No.: CIT1390-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiroaki Shizuya      Art Unit: 1636  
Application No.: 09/896,509      Examiner: M. Marvich  
Filed: June 28, 2001      Confirmation No.: 8122  
Title: METHODS FOR IDENTIFYING AN ESSENTIAL GENE IN A  
PROKARYOTIC MICROORGANISM

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for the above-identified application please find:

1. Response to the Notice of Non-Compliant Amendment mailed November 2, 2004  
(13 pgs.) and
2. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, <b>November 17, 2004</b> , in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Tambra L. White (Name of Person Mailing Paper)	
<i>Tambra L. White</i> (Signature)	November 17, 2004 (Date)

In re Application of:  
Hiroaki Shizuya  
Application No.: 09/896,509  
Filed: June 28, 2001  
Page 2

PATENT  
Attorney Docket No.: CIT1390-1

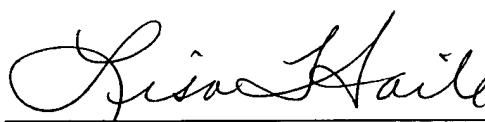
Applicant claims **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity Rate	Large Entity Rate	Calculations
Total Claims	54	55	0	x \$09	x \$18	\$0
Independent Claims	3	3	0	x \$43	x \$86	\$0
Multiple Dependent Claim(s)	N/A			\$145	\$290	\$0
					TOTAL FEE	\$0

No fee is deemed necessary in connection with the filing of this paper. However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 07-1896. A duplicate copy of this transmittal letter is enclosed.

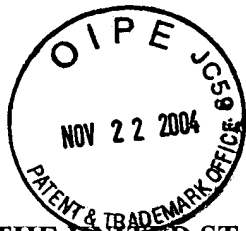
Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Date: November 17, 2004

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
USPTO CUSTOMER NO. 28213



PATENT  
Attorney Docket No.: CIT1390-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiroaki Shizuya Art Unit: 1636  
Application No.: 09/896,509 Examiner: M. Marvich  
Filed: June 28, 2001 Confirmation No.: 8122  
Title: METHODS FOR IDENTIFYING AN ESSENTIAL GENE IN A  
PROKARYOTIC MICROORGANISM

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

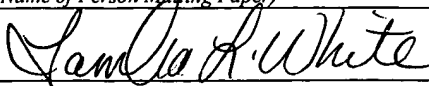
**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

In response to the Notice of Non-Compliant Amendment in the Office  
Communication mailed herein on November 2, 2004, please consider the following  
supplemental amendments and remarks:

Amendments to the Claims are reflected in the listing of claims, which begins on  
page two of this paper.

Remarks/Arguments begin on page twelve of this paper.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, <b>November 17, 2004</b> , in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Tambra L. White (Name of Person Mailing Paper)	
 (Signature)	November 17, 2004 (Date)